Reg. No. KRNA—25

Karnataka Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE FRIDAY, SEPTEMBER 29, 1978
(ASVIJA 7, SAKA ERA 1900). | **No.** 1296

Law and Parliamentary Affairs Secretariat

Notification No. LAW 53 LGN 78
Bangalore, dated 28th September 1978.

Ordered that the **Karnataka Village Panchayats and Local Boards (Second Amendment) Act, 1978** which received the assent of the Governor on the twenty-seventh day of September, 1978, be published as Karnataka Act No. 25 of 1978 in the *Karnataka Gazette*, for general information.

KARNATAKA ACT No. 25 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the Twenty-ninth day of September* 1978)

THE KARNATAKA VILLAGE PANCHAYATS AND LOCAL BOARDS (SECOND AMENDMENT) ACT, 1978.

(Received the assent of the Governor on the Twenty-seventh day of September, 1978)

An Act further to amend the Karnataka Village Panchayats and Local Boards Act, 1959.

Whereas it is expedient further to amend the Karnataka Village Panchayats and Local Boards Act, 1959 (Karnataka Act 10 of 1959) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows:—

1 .Short title and commencement.—(1) This Act may be called the Karnataka Village Panchayats and Local Boards (Second Amendment) Act, 1978.

(2) Section 4 shall be deemed to have come into force on the 1st day of April 1978 and section 37 shall be deemed to have come into force on the twelfth day of June 1975, and the remaining sections shall come into force at once.

2 Amendment of section 2.—In section 2 of the Karnataka Village Panchayats and Local Boards Act, 1959 (Karnataka Act 10 of 1959) (hereinafter referred to as the principal Act), in clause (37), for the words "Scheduled Castes means" the words "Scheduled Castes" and "Scheduled Tribes" means" shall be substituted.

3 Amendment of section 5.—In section 5 of the principal Act,—

(1) in sub-section (2),—

(a) for the words "Scheduled Castes" the words "Scheduled Castes, Scheduled Tribes" shall be substituted;

(b) in the first proviso for the words "Scheduled Castes in the two places where they occur, the words

"Scheduled Castes and Scheduled Tribes" shall be substituted ;

(c) in the second proviso, after the words " Scheduled Castes" the words "and Scheduled Tribes shall be inserted ;

(2) in clause (d) of sub-section (3), for the words " Scheduled Castes " the words " Scheduled Castes, Scheduled Tribes " shall be substituted.

4 Amendment of section 8.—In section 8 of the principal Act,—

(1) in sub-section (1), after the words "before the expiry of the term", the words "or if all the members have resigned or their seats have become vacant", shall be inserted.

(2) in sub-section (2), for the words, brackets and figure " not exceeding one year as the Deputy Commissioner may specify in the notification under sub-section (1) ", the words, brackets and figure " as the Deputy Comissioner may specify in the notification under sub-section (1) and he may, notification, curtail or extend the period so specified " shall bes ubstituted.

5. Amendment of section 9.—Explanation to section 9 of the principal Act shall be omitted.

6. Amendment of section 10.—For the proviso to section 10 of the principal Act, the following proviso shall be substituted, namely :—

" Provided that no person shall be qualified to be elected to any seat reserved for the Scheduled Castes or the Scheduled Tribes or women unless such person is a member of any such caste or tribe or is a woman as the case may be ".

7. Amendment of section 11.—In section 11 of the principal Act, in clause (d), for the words, figures, and brackets "under section 108 of the Code of Criminal Procedure 1898, (Central Act V of 1898)," the words, figures and brackets "under section 117 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)" shall be substituted.

8. Amendment of section 13.—In section 13 of the principal Act,—

(1) the explanation to sub-section (1) shall be omitted;

(2) in sub-section (6), for the word "five" the word "six" shall be substituted.

9. Amendment of section 24.—In section 24 of the principal Act, for the words " four years " the words " five years " shall be substituted.

10. Amendment of section 30.—In section 30 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely :—

" (2) No election of the Chairman or the Vice-Chairman shall be called in question except by an election petition before the prescribed judicial officer, presented by any candidate at such election or any other member of the Panchayat, within fifteen days from the date of the election of the Chairman or the Vice-Chairman on one or more grounds specified in sub-section (3). The election petition shall be accompanied by a deposit of one hundred rupees as security for costs.

(3) If the prescribed judicial officer, after such enquiry as he deems necessary is of opinion,—

(a) that any corrupt practice has been committed by the returned candidate; or

(b) that any nomination has been improperly rejected; or

(c) that the result of the election, in so far as it concerns the returned candidate, has been materially affected—

(i) by the improper acceptance of any nomination;

(ii)by improper reception, refusal or rejection of any vote or the reception of any vote which is void; or

(iii) by any non-compliance with the provisions of this Act or of any rules or orders made under this Act,

the prescribed judicial officer shall declare the election of the returned candidate to be void.

(4) The provisions of sub-section (4) of section 13 shall **mutatis mutandis** apply to decide whether the returned candidate has committed corrupt practice."

11. Amendment of section 42.—In section 42 of the principal Act, after clause (b), the following clause shall be inserted, namely :—

"(bb) welfare of Scheduled Castes and Scheduled Tribes ;"

12. Amendment of section 43.—In section 43 of the principal Act, in sub-section, (1), clause (w) shall be omitted.

13. Amendment of section 51.—In section 51 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :—

"(4) (a) In addition to the committees specified in sub-section (2), every Panchayat shall constitute a Social Justice Commitee consisting of—

(i) members of the Panchayat belonging to Scheduled Castes and Scheduled Tribes ;

(ii) women members of the Panchayat ; and

(iii) not more than three representatives of the weaker sections nominated by the Tahasildar.

(b) The Chairman of the Panchayat shall **ex-officio** be a member and the chairman of the Social Justice Committee. The said Committee shall, subject to such instructions as the Panchayat may give from time to time, perform such functions as may be prescribed for securing social justice to the Scheduled Castes, the Scheduled Tribes and other weaker sections of the society".

14. Amendment of section 73.—In sub-section (1) of section 73 of the principal Act, clauses (b) and (c) and the proviso shall be omitted.

15. Amendment of seciton 78.—In section 78 of the principal Act,—

(1) after sub-section (3), the following sub-section shall be inserted, namely :—

"(3A) The Government shall assign to every Panchayat fifty per cent of the local cess on land revenue collected in the area within the jurisdiction of a Panchayat under section 163.";

(2) in sub-section (4), for the brackets, figures and word "(1) and (2)" the brackets, figures, word and letter "(1), (2) and (3A)" shall be substituted.

16. Amendment of section 95.—For sub-section (1) of section 95 of the principal Act, the following sub-section shall be substituted, namely :—

"(1) For each Taluk excluding such areas as are included in a city under the Karnataka Municipal Corporations Act, 1976 or in a municipality or as are under the authority of a Sanitary Board or a Notified Area Committee constituted under the Karnataka Municipalities Act, 1964 or any other law for the time being in force, there shall be a Taluk Development Board having jurisdiction over the Taluk excluding the areas aforesaid.".

17. Amendment of section 96.—In section 96 of the principal Act,—

(1) in sub-section (1),—

(a) for the words "in each taluk" the words "within the jurisdiction of the concerned Taluk Board" shall be substituted;

(b) for the words "Scheduled Castes" the words "Scheduled Castes, Scheduled Tribes" shall be substituted.

(2) for sub-section (2), the following sub-section shall be substituted, namely :—

" (2) The members of the State Legislative Assembly representing the whole or any part of the area within the jurisdiction of the Taluk Board and the Members of the State Legislative Council permanently residing within such area shall be entitled to take part in the proceedings of, and vote at, the meetings of such Taluk Board."

18. Amendment of section 97.—In section 97 of the principal Act, for the words " a municipality or area under the authority of the Sanitary Board, Town Board, Town Area Committee, Notified Area Committee or Contonment Board" the words "a city under the Karnataka Municipal Corporations Act, 1976, a municipality or as are under the authority of a Sanitary Board or a Notified Area Committee constituted under the Karnataka Municipalities Act, 1964 or any other law for the time being in force " shall be substituted.

19. Amendment of section 98.—In section 98 of the principal Act,—

(1) in the heading after the words " Castes " the words " and Scheduled Tribes " shall be inserted ;

(2) for the words " for the Scheduled Castes " the words " for Scheduled Castes and Scheduled Tribes ", shall be substituted ;

(3) for the words " the Scheduled Castes in the Taluk bears to the total population of the taluk" the words "the Scheduled Castes or the Scheduled Tribes, as the case may be, within the jurisdiction of the Taluk Board bears to the total population within the jurisdiction of the Taluk Board " shall be substituted.

20. Amendment of section 100.—In section 100 of the principal Act, in clause (d) of sub-section (1), for the words " Scheduled Castes " the words " Scheduled Castes, Scheduled Tribes ", shall be substituted.

21. Amendment of section 101.—The Explanation to section 101 of the principal Act, shall be omitted.

22. Amendment of section 102.—In section 102 of the principal Act,—

(1) in sub-section (2), for the words "in the revenue taluk", the words "in the area" shall be substituted;

(2) in sub-section (3), for clause (i), the following clause shall be substituted, namely :—

"(i) in the case of a seat reserved for Scheduled Castes or Scheduled Tribes, such person is a member of such caste or tribe, as the case may be ; and".

23. Amendment of section 103.—In sub-section (1) of section 103 of the principal Act,—

(1) in clause (b), for the words, figures and brackets "under section 118 of the Criminal Procedure Code, 1898 (Central Act V of 1898)" the words brakets and figures "under section 117 of the Criminal Procedure Code, 1973 (Central Act 2 of 1974)" shall be substituted.

(2) for clause (g), the following clause shall be substituted, namely :—

"(g) if he is a voter in a city under the Karnataka Municipal Corporations Act, 1976, a municipality, a Sanitary Board or a Notified Area Committee referred to in section 95 ; or".

24. Amendment of section 105.—In sub-section (1) of section 105 of the principal Act, for the words "Taluk Board constituency", the words "constituency of the Taluk Board" shall be substituted.

25. Amendment of section 106.—In section 106 of the principal Act,—

(1) the explanation to sub-section (1) shall be omitted

(2) in sub-section (6), for the word "five", the word "six" shall be substituted.

26. Amendment of section 108.—In section 108 of the principal Act, for the words "four years", the words "five years" shall be substituted.

27. Amendment of section 113.—In section 113 of the principal Act, after sub-section (2) the following sub-sections shall be inserted, namely :—

"(2A) No election of the President or the Vice-President shall be called in question except by an election petition before the prescribed judicial officer, presented by any candidate at such election or any other member of the Taluk Board, within fifteen days from date of the election of the President or the Vice-President, as the case may be, on one or more grounds specified in sub-section (2B). The election petition shall be accompanied by a deposit of two hundred rupees as security for costs.

(2B) If the prescribed judicial officer, after such enquiry as may be prescribed is of opinion,—

(a) that any corrupt practice has been committed by the returned candidate ; or

(b) that any nomination has been improperly rejected ;

(c) that the result of such election, in so far as it concerns the returned candidate, has been materially affected,—

(i) by the improper acceptance of any nomination,

(ii)by improper reception, refusal or rejection, of any vote or by the reception of any vote which is void ; or

(iii) by any non-compliance with the provisions of this Act or of any rules or orders made under this Act,

the prescribed judicial officer shall declare the election of the returned candidate to be void.

(2C) The provisions of sub-section (4) of section 106 shall **mutatis mutandis** apply to decide whether the returned candidate has committed corrupt practice."

28. Amendment of section 118.—In sub-section (2) of section 118 of the principal Act, for the words "**within the taluk**", the words "within the jurisdiction of the Taluk Board" shall be substituted..

29. Amendment of section 124.—In section 124 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :—

"(4) In addition to the committees specified in sub-section (1) every Taluk Board shall constitute a Social Justice Committee consisting of—

(i) members of the Taluk Board belonging to Scheduled Castes and Scheduled Tribes,

(ii) women members of the Taluk Board ; and

(iii) not more than three representatives of the weaker sections nominated by the Deputy Commissioner."

30. Amendment of gsection 125.—After sub-section (3) of section 125 of the principal Act, the following sub-section shall be inserted, namely :—

"(4) The Social Justice Committee, shall, subject to such instructions as the Taluk Board may give from time to time, perform such functions as may be prescribed for securing social justice to the Scheduled Castes, the Scheduled Tribes and weaker sections of the society."

31. Amendment of section 130.—In section 130 of the principal Act, in sub-section (1)—

(1) after clause (i), the following clause shall be inserted, namely :—

"(ia) establishment, management and maintenance of primary and pre-primary schools ;"

(2) after clause (ii), the following clause shall be inserted, namely :—

"(iia) take measures for amelioration of Scheduled Castes and Scheduled Tribes ;"

32. Amendment of section 131.—In section 131 of the principal Act, in clause (A), sub-clause (viii) shall be omitted.

33. Amendment of section 163.—In section 163 of the principal Act,—

(1) in sub-section (1), for the words "twelve naye paise" the words "fifty paise" shall be substituted;

(2) sub-sections (2) to (6) shall be omitted.

34. Amendment of section 165.—In sub-section (4) of section 165 of the principal Act, for the words "the entire local cess on land revenue" the words "fifty per cent of the local cess on land revenue" shall be substituted.

35. Amendment of section 204.—In section 204 of the principal Act,—

(1) in the heading the words "and Town Area Committees" shall be omitted;

(2) the words "or a Town Area Committee or Committees" shall be omitted.

36. Amendment of section 205.—In section 205 of the principal Act, in sub-section (1), the words "or any Town Area Committee" shall be omitted.

37. Amendment of section 239.— In section 239 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) For the Taluk Board reconstituted or established under the provisions of sub-section (1), the Government may either appoint an Administrator or nominate members and where members are nominated such members shall, as far as may be practicable, be persons who are members of the Taluk Board which has been dissolved under sub-section (1)."

38. Amendment of Schedule I.—In Schedule I to the principal Act,—

(1) item B, Tax on professions, trades, callings and employments and the entries thereunder shall be omitted.

(2) item B, Tax on places of trade or business and the entries thereunder shall be omitted.

39. Validation.—Notwithstanding any judgment, decree or order of any court, no appointment of an administrator or an officer, or the extension of the term of such administrator or officer, to exercise and perform the powers and duties of a Panchayat made at any time before the commencement of section 1 of the Karnataka Village Panchayats and Local Boards (Second Amendment) Act, 1978 under the provisions of the Act shall be deemed to be illegal or void or ever to have become illegal or void by reason only of the fact that such appointment or extension of the term was not made in accordance with the provisions of the Act and shall be deemed to be as valid and effective as if they have been made in accordance with the provisions of the pincipal Act as amended by this Act and accordingly powers exercised or duties performed or any other act done or action taken by such Administrator or other officer before the commencement of section 1 of the Karnataka Village Panchayats and Local Boards (Second Amendment) Act, 1978 shall be deemed to have been done or taken in accordance with law."

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Bloro.